

Hon. Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY et al.,

Defendants.

Case No. 2:19-cv-01537-BJR

**STIPULATED JOINT MOTION
AND ORDER TO VACATE THE
UNITED STATES' OBLIGATION
TO FILE A RESPONSIVE
PLEADING TO PLAINTIFF'S
FIRST COMPLAINT AND
MODIFY OTHER DATES**

Under Local Rule 7(j), Standing Order Rule II.D, and for good cause shown below, the parties respectfully request that the Court vacate the United States' obligation to file a responsive pleading to Plaintiff's first complaint, along with the deadline for filing the administrative record. The deadline to file a responsive pleading and the administrative record in this case is currently this Friday, December 20, 2019. The parties request this relief because on December 16, 2019, the Court issued a minute order in *Nw. Env'tl. Advocates v. Browner*, 91-cv-00427, in which the Court denied NWEA's request to reopen and file an amended complaint in that case. Instead, the Court directed NWEA to proceed with any further action in this case.

1 As a result of that order, NWEA intends to file an amended complaint in this case
2 pursuant to FRCP 15(a)(1)(B) within the next 30 days, by January 16, 2020. The parties request
3 that the date for the United States to file its responsive pleading and administrative record be set
4 at a date 30 days from the date NWEA files its amended complaint.

5 For the reasons explained above, the parties request that the Court's order setting out the
6 deadlines for the following events in this case be modified according to the following schedule:
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- 8 • FRCP 12 Responsive Pleadings and administrative record: 30 days after NWEA
9 files it amended complaint;
- 10 • FRCP 26(f) Conference: 19 days after the deadline for the United States'
11 responsive pleading
- 12 • FRCP 26(a)(1) Initial Disclosures: 26 days after the deadline for the United
13 States' responsive pleading
- 14 • Combined Joint Status Report, and Discovery Plan as Required by FRCP 26(f)
15 and Local Civil Rule 26(f): 26 days after the deadline for the United States'
16 responsive pleading.

17 Accordingly, the parties respectfully request that the Court vacate the United States'
18 obligation to file a responsive pleading to NWEA's first complaint, along with the date for filing
19 the administrative record. The parties further request that the deadline for the United States' Rule
20 12 responsive pleading and administrative record be set at 30 days after the date that NWEA files
21 its amended complaint, and that the deadlines for the FRCP 26(f) Conference, FRCP 26(a)(1)
22 Initial Disclosures, Combined Joint Status Report, and Discovery Plan be modified according to
23 the schedule above.

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26 It is so ordered.

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29 U.S. District Judge Barbara J. Rothstein

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3 Respectfully submitted,

4 By: /s/ Michele L. Walter
5 MICHELE L. WALTER
6 U.S. Department of Justice
7 Environment & Natural Resources Division
8 Environmental Defense Section
9 999 18th Street
10 South Terrace – Suite 370
11 Denver, CO 80202
12 (303) 844-1345
13 Michele.Walter@usdoj.gov

14 GUS MAXWELL
15 United States Department of Justice
16 Environment & Natural Resources Division
17 Environmental Defense Section
18 150 M St. NE
19 Room 4.1412
20 Washington, DC 20001
21 (202) 514-0135
22 gustavus.maxwell@usdoj.gov

23 BRIAN T. MORAN
24 United States Attorney
25 Western District of Washington

26 BRIAN KIPNIS
27 Assistant United States Attorney
28 Western District of Washington

29 *Attorneys for Defendants*

/s/ Andrew Hawley
ANDREW HAWLEY
Western Environmental Law Center
1402 3rd Ave., Suite 1022
Seattle, WA 98101
(206) 487-7250
hawley@westernlaw.org

1 JAMES N. SAUL
2 James N. Saul (OSB #1067236)
3 (*Admitted pro hac vice*)
4 Earthrise Law Center
5 Lewis & Clark Law School
6 10015 SW Terwilliger Blvd.
7 Portland, OR 97219
8 (503) 768-6929
9 jsaul@lclark.edu

*Attorneys for Plaintiff Northwest
Environmental Advocates*

10 **CERTIFICATE OF SERVICE**

11
12 I hereby certify that the foregoing was electronically filed with the Clerk of the Court on
13 December 17, 2019, using the Court's electronic filing system, which will send notification of
14 said filing to the attorneys of record that have, as required, registered with the Court's system.
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17 /s/ Michele L. Walter
18 MICHELE L. WALTER
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